

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

ROBERT BELL, JR.,

Plaintiff,

vs.

MICHAEL HAKALA, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

Case No. 1:10CV00125 SNLJ

MEMORANDUM AND ORDER

This matter is before the Court on two motions filed by plaintiff: (1) the plaintiff's August 24, 2010 Motion Requesting Leave to File His Supplemental Complaint (#7), and (2) the plaintiff's August 24, 2010 Verified Request for Waiver of Prepayment of Filing Fees (#8).

The Court permitted plaintiff to file his 42 U.S.C. § 1983 complaint against defendants Michael Hakala, Dr. Unknown Graham, and Unknown Dickerson, alleging "that he is presently in imminent danger of serious physical injury relative to painful, bleeding sores on his fingers, as well as high right ankle, which he believe is either fractured or suffering from nerve damage" (#4 at 1). The Court also permitted plaintiff to file his complaint *in forma pauperis* and assessed an initial partial filing fee of \$1.70, which is 20% of plaintiff's average monthly deposit of \$8.50 (#4 at 2).

Plaintiff now seeks to add Jeff Norman, Warden of the Southeast Correctional Center, as a defendant (#7). Plaintiff alleges that Mr. Norman failed to make an exception to the Missouri Department of Corrections Policy denying indigent inmates the needed hygiene items like (among other things) skin moisturizer, which plaintiff needed to treat his medical condition. Plaintiff's motion to amend his complaint to add Mr. Norman as a defendant will be granted.

Plaintiff also asks the Court to waive the prepayment of the filing fee because he currently has a negative account balance (#8). However, the account statement plaintiff provided to the Court with his motion to file *in forma pauperis* indicated that, taking into account the monthly \$8.50 deposit, plaintiff has sufficient funds to pay the monthly \$1.70 fee. Because plaintiff now states he does not have adequate funds, the Court will grant plaintiff a 30 day extension in which to make the initial payment of \$1.70. If plaintiff does not pay the filing fee, plaintiff's complaint will be dismissed without prejudice unless he provides the Court with a new account statement showing a negative account balance.

Accordingly,

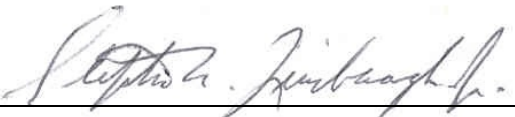
IT IS HEREBY ORDERED that the plaintiff's Motion Requesting Leave to File His Supplemental Complaint is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall issue process or cause process to issue upon the complaint as to defendant Jeff Norman.

IT IS FURTHER ORDERED that plaintiff's Verified Request for Waiver of Prepayment of Filing Fees is **DENIED**.

IT IS FURTHER ORDERED that plaintiff is granted until October 15, 2010 in which to pay the initial partial filing fee of \$1.70 as directed in the Court's August 16, 2010 order.

Dated this 13th day of September, 2010.


UNITED STATES DISTRICT JUDGE